

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of October 16, 2008. Claims 4, 6, 12, and 18 were amended. Claims 1-20 are currently pending. Reconsideration of the Application is requested.

The Office Action

The Examiner objected to claim 4 because of informalities. Claim 4 was amended to remove a comma and "remains", as suggested by the Examiner. Applicants thank the Examiner for these suggestions.

The Examiner rejected claim 6-8, 12-14 and 18-20 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claims 6, 12 and 18 were amended to spell out the first occurrence of HA as High Availability in these claims. Claim 4 was amended to replace "call-monitoring" with --call-management--.

The Examiner rejected claims 1-3 and 9-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,697,858 to Ezerzer et al. (Ezerzer) in view of U.S. Patent No. 7,376,951 to Yip et al. (Yip) and further in view of U.S. Patent No. 6,137,862 to Atkinson et al. (Atkinson) and Further in view of U.S. Patent No. 6,918,115 to Vargas et al. (Vargas).

Applicants respectfully submits Examiner has not made a prime facie case of obviousness of claim 1. Examiner stated Ezerzer fails to teach: a configuration file wherein the configuration file includes defining dependencies and priorities between said plurality of system processes and said plurality of tenant processes and defining a monitoring frequency for each of said plurality of processes; reading said configuration file and starting each of said plurality of processes in correspondence to said dependencies and priorities; and monitoring each of said plurality of processes based on said monitoring frequencies.

The Examiner stated it would be obvious to one of ordinary skill in the art to

modify the teachings of Ezerzer with the teaches of Yip, Atkinson and Vargas so that a database disclosed in Ezerzer comprises a configuration file which is read at the initialization of the call-center system and contains the configuration data disclosed above in Ezerzer as well as including defined dependencies between the plurality of system and tenant process for the purpose of starting each of said plurality of processes in said call-center system in correspondence to said dependencies and said priorities; and a monitoring frequency for the purpose of monitoring and verifying the existence of one or more critical processes.

The Examiner stated Yip discloses a configuration file located in a configuration database which contains process dependency information for the purpose of ensuring that all required dependent processes are running at the start of a new process.

However, claim 1 claims “starting each of said plurality of processes in said call-center in correspondence with said dependencies and priorities”. Yip only teaches starting processes in correspondence to their dependency on a process. Yip does not disclose starting each claimed process in correspondence with its defined dependencies and priorities, which connotes an ordered prioritized start. Therefore, claim 1 and claims depending therefrom, patentably distinguish over the combination of Ezerzer and Yip, and Atkinson and Vargas, as indicated above.

The Examiner rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over the same combination of 4 references as claim 1 stating the teachings of Atkinson further discloses starting copies of each of said plurality of processes in a secondary call-management system, wherein said call-management system is a duplex system (see Atkinson column 4, lines 45-66). However, Atkinson does not teach a duplex call system.

A duplex system is defined in Fig. 4 and paragraph [0031] of Applicants' specification as having essentially identical monitoring systems **112** and **114** ... the first monitoring system **112** includes a first application server **116** ... and the second monitoring system **114** includes a second application server **120** ... configured to be similar to the first application ... server **116**”.

Atkinson, column 4, lines 45-66, teaches a failover mechanism which includes

multiple CTIMS processes which execute on a CTIMS computer (36). These are redundant processes running on a single computer, and therefore Atkinson does not teach a duplex system. Therefore, claim 2 and claims 3-8 depending therefrom, patentably distinguish over the combination of the 4 references cited by the Examiner.

The Examiner rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over Ezerzer in view of Yip and further in view of Atkinson and further in view of Vargas and further in view of Menasce et al. The Examiner stated that Ezerzer fails to teach the limitations of claim 4 which include “

defining selected processes of said plurality of processes as cold-standby run status, wherein one copy of the selected process runs, on one of the duplexed call-monitoring systems while the remaining copy remains stopped or idle on the remaining call-management system;

defining selected processes of said plurality of processes as warm run status, wherein one copy of the selected process runs on one of the duplexed call-monitoring systems while the remaining copy remains runs on the remaining call-management system, however, one of the copies is inactive;

defining selected processes of said plurality of processes as hot run status, wherein both copies of the selected application run, however, with one copy in standby, but with its state kept current with a state of the remaining copy; and

defining selected processes of said plurality of processes as load sharing run status, wherein both copies of the selected process run and actively handle requests, sharing the overall load.”

The Examiner also stated that Menasce teaches “an architecture wherein network equipment can operate in hot or cold standby or load sharing for the purpose of providing fault tolerance which is the ability for a system to respond gracefully to an unexpected component failure.” and “that it would therefore have been obvious to modify the teachings of Ezerzer with Menasce to define run status for each of the plurality of processes as hot, cold, or load sharing for the purposes of providing fault

tolerance in the duplexed, call management system”

However, the Examiner did not provide support for his rejection of the claim limitation “defining selected processes of said plurality of processes as warm run status, wherein one copy of the selected process runs on one of the duplexed call-monitoring systems while the remaining copy remains runs on the remaining call-management system, however, one of the copies is inactive”, and this limitation is not taught by the combination of 5 references used to reject this claim.

Furthermore, the “cold standby” and the “warm-run” processes are implemented on duplex call monitoring systems as described above and defined in Applicants’ specification and Figures, which have not been accurately described as being disclosed as claimed by the Examiner. Menasce simply teaches a fault tolerant computer architecture network, and not a duplex call-management system as claimed. For these reasons, Claim 4 patentably distinguishes over the combination of the 5 references cited by the Examiner.

The Examiner rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Ezerzer in view of Yip and further in view of Atkinson and further in view of Vargas and further in view of U.S. Publication No. US2004/0059957 to Menasce et al. The Examiner stated that teachings of Ezerzer and Atkinson further disclose all of the claimed limitations of claim 6. The Examiner stated the claim limitation “controlling each of said duplexed call-management systems with a respective HA Server process running on one node of each of said duplexed call-management systems is disclosed I Ezerzer column 22, lines 6-19. Ezerzer teaches a distributed architecture, which may include several servers, however Ezerzer does not teach a duplex system as described above and defined in Applicants’ specification. The Examiner further stated this claim limitation is taught by Atkinson column 4, lines 61-66. However, Applicants respectfully submit that Akinson does not teach a duplex call system for reasons similar to those used in reference to claim 2 above. Therefore, claim 6 and claims depending therefrom, patentably distinguish over this combination of 5 references cited by the Examiner.

The Examiner rejected independent claim 9 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,697,858 to Ezerzer et al. in view of U.S. Patent No. 7,376,951 to Yip et al. and further in view of U.S. Patent No. 6,137,862 to Atkinson et al. and further in view of U.S. Patent No. 6,918,115 to Vargas et al. However, this combination of references does not teach or suggest a monitor process for starting configured processes according to inter-process dependencies and process priorities as set forth in said configuration file...” for reasons similar to claim 1 stated above. Therefore, claim 9 and claims depending therefrom, patentably distinguish over this combination of the 4 references cited by the Examiner.

The Examiner rejected independent claim 10 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,697,858 to Ezerzer et al. in view of U.S. Patent No. 7,376,951 to Yip et al. and further in view of U.S. Patent No. 6,137,862 to Atkinson et al. and further in view of U.S. Patent No. 6,918,115 to Vargas et al. Applicants submit this combination of references does not teach or suggest a duplexed call management system for reasons similar to those provided in reference to claim 2 above. Therefore, claim 10 and claims depending therefrom, patentably distinguish over this combination of 4 references cited by the Examiner.

The Examiner rejected independent claim 12 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,697,858 to Ezerzer et al. in view of U.S. Patent No. 7,376,951 to Yip et al. and further in view of U.S. Patent No. 6,137,862 to Atkinson et al. and further in view of U.S. Patent No. 6,918,115 to Vargas et al. Applicants respectfully submit that claim 12 is patentably distinguished over this combination of references for reasons similar to those provided in reference to claim 6 above.

The Examiner rejected independent claim 15 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,697,858 to Ezerzer et al. in view of U.S. Patent No. 7,376,951 to Yip et al. and further in view of U.S. Patent No. 6,137,862 to Atkinson et al. and further in view of U.S. Patent No. 6,918,115 to Vargas et al. Applicants respectfully submit that claim 15 is patentably distinguished over this combination of references for

reasons similar to those provided in reference to claim 9 above.

The Examiner rejected independent claim 18 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,697,858 to Ezerzer et al. in view of U.S. Patent No. 7,376,951 to Yip et al. and further in view of U.S. Patent No. 6,137,862 to Atkinson et al. and further in view of U.S. Patent No. 6,918,115 to Vargas et al. Applicants respectfully submit that claim 15 is patentably distinguished over this combination of references for reasons similar to those provided in reference to claim 6 above.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-20) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Patrick D. Floyd, at (216) 861-5582.

Respectfully submitted,

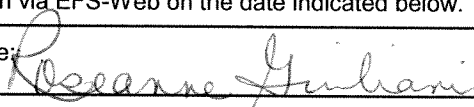
Fay Sharpe LLP

February 27, 2009

Date



Patrick D. Floyd, Reg. No. 39,671
1100 Superior Avenue
Seventh Floor
Cleveland, Ohio 44114-2579
216-861-5582

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